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### **REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 4, 6, 18, 20, 24 and 29 have been revised. Support for the revisions can be found at, e.g., page 11, lines 14-18 of the specification, among other places. Claims 21 and 23 have been canceled without prejudice. Claims 1-20, 22 and 24-31 remain pending in the application.

### **Claim Rejections – 35 USC § 102**

Claims 1, 3-4, 6-14 and 17-19 are rejected under 35 USC § 102(b) as being anticipated by Blucher et al. (US 4,610,905). Applicants respectfully traverse this rejection.

Claim 1 also requires that a fiber and the binder resin form a heat-and-humidity gelling conjugate fiber that includes a heat-and-humidity gelling resin fiber component and another thermoplastic synthetic fiber component. Claim 1 also requires a filler that is affixed by a binder resin that was subjected to heat and humidity to form a gel material.

Blucher et al. fail to disclose a conjugate fiber that is formed by a fiber and the binder resin as required by claim 1. Instead, Blucher et al. discuss yarns that may first be sheathed by an adhesive and thereafter supplied with active ingredients, or, alternatively, be directly sheathed with a paste comprising a binder and the active ingredients (see Blucher et al. col. 2, lines 57-62). Blucher et al. are silent as to a conjugate fiber that is formed by a fiber and a binder resin as required by claim 1. Moreover, Blucher et al. fail to disclose a filler that is affixed by a binder resin that was subjected to heat and humidity to form a gel material, as required by claim 1. Instead, Instead, Blucher et al. discuss yarns that are sheathed with active ingredients, where the active ingredients are adhered to the surface of the yarn or embedded in a binding agent (see Blucher et al., Abstract). Col. 3, lines 31-45 merely discuss an activated carbon that is obtained by carbonizing ion-exchangers consisting mainly of polystyrol and subsequently activating the same with water vapor (Blucher, col. 3, lines 31-45), while being completely silent as to a filler that is affixed by a binder resin that was subjected to heat and humidity to form a gel material, as required by claim 1.

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The rejection contends that the language "caused to gel by heating in the presence of moisture" is directed to a process of making and adds no patentable weight. The claim language has now been revised to "in a gel state when subjected to heat and humidity," which defines the nature and property of the heat-and-humidity gelling resin itself.

For at least these reasons, claim 1 is patentable over Blucher et al. Claim 3 depends from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time.

Claims 4 and 18, which include similar limitations concerning the heat-and-humidity gelling conjugate fiber, and their respective dependent claims 6-14, 17 and 19 are patentable over Blucher et al. for the reason as discussed with regard to claim 1. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2, 4-6, 8 and 17-19 are rejected under 35 USC § 102(b) as being anticipated by Ninomiya et al. (US 6,174,949). Applicants respectfully traverse this rejection.

Claim 1 requires a binder resin that includes heat-and-humidity gelling resin that is in a gel state when subjected to heat and humidity. Claim 1 also requires that a filler be affixed by the binder resin that was subjected to heat and humidity to form a gel material.

Ninomiya et al. fail to disclose the arrangements required by claim 1. In fact, Ninomiya et al. merely discuss a resin composition that includes EVOH and additive components produced by bringing EVOH with a water content of 20-80% by weight into contact with an aqueous solution containing the respective additive components and then subjecting the thus-treated EVOH to fluidized state drying and then to stationary state drying (see Ninomiya et al., Abstract). Ninomiya et al. also discuss how a molding such as a film or sheet is prepared from a resin composition (see Ninomiya et al., col. 11, lines 24-45). However, nowhere do Ninomiya et al. disclose that a filler is affixed by a binder resin that was subjected to heat and humidity to form a gel material, as required by claim 1. In fact, Ninomiya et al. merely discuss additive components that are dispersed in

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EVOH and mixed with EVOH to form the conjugate fiber, rather than fillers being affixed by a binder resin that was subjected heat and humidity to form a gel material, as required by claim 1. On the other hand, the present binder resin including heat-and-humidity resin that is in a gel state when subjected to heat and humidity, and, as a result, a filler is affixed to a surface of the fiber by the binder resin. Ninomiya et al. provides no teaching of a binder resin that includes heat-and-humidity gelling resin that is in a gel state when subjected to heat and humidity, much less a filler being affixed by the binder resin that was subjected to heat and humidity to form a gel material, as required by claim 1.

The rejection contends that the language "caused to gel by heating in the presence of moisture" is directed to a process of making and adds no patentable weight. The claim language has now been revised to "in a gel state when subjected to heat and humidity," which defines the nature and property of the heat-and-humidity gelling resin itself.

For at least these reasons, claim 1 is patentable over Ninomiya et al. Claim 2 depends from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time.

Claims 4 and 18, which include similar limitations concerning the heat-and-humidity gelling resin, and their respective dependent claims 5-6, 8, 17 and 19 are patentable over Ninomiya et al. for the reason as discussed with regard to claim 1. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 4, 6, 8-9, 11 and 15-19 are rejected under 35 USC § 102(a) and (e) as being anticipated by Swoboda et al. (US Patent Application Publication No. 2003/0152724). Applicants respectfully traverse this rejection.

Claim 1 requires a heat-and-humidity gelling conjugate fiber formed by the fiber and the binder resin, where the heat-and-humidity gelling conjugate fiber includes a heat-and-humidity gelling resin fiber component and another thermoplastic synthetic fiber

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component. Claim 1 also requires a filler that is affixed by a binder resin that was subjected to heat and humidity to form a gel material.

Swoboda et al. fail to disclose the arrangements required by claim 1. Instead, Swoboda et al. merely discuss a texture-coated and/or insulation coated container made from a flat paper board blank in which a heat-hardenable liquid polymeric binder texturizing and/or insulating agent coating mixture is applied to one surface of the blank (see Swoboda et al., Abstract and paragraphs [0041], [0116] and [0195]). Swoboda et al. are completely silent as to heat-and-humidity gelling conjugate fiber includes a heat-and-humidity gelling resin fiber component and another thermoplastic synthetic fiber component, much less a filler that is affixed by a binder resin that was subjected to heat and humidity to form a gel material, as required by claim 1.

The rejection contends that the language "caused to gel by heating in the presence of moisture" is directed to a process of making and adds no patentable weight. The claim language has now been revised to "in a gel state when subjected to heat and humidity," which defines the nature and property of the heat-and-humidity gelling resin itself.

For at least these reasons, claim 1 is patentable over Swoboda et al. Claims 4 and 18, which include similar limitations concerning the heat-and-humidity gelling conjugate fiber, and their respective dependent claims 6, 8-9, 11, 15-17 and 19 are patentable over Swoboda et al. for the reason as discussed with regard to claim 1. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Reconsideration and withdrawal of the rejection are respectfully requested.

#### **Claim Rejections – 35 USC § 103**

Claims 20-31 are rejected under 35 USC 103(a) as being unpatentable over Swoboda et al. Applicants respectfully traverse this rejection. The rejection of claims 21 and 23 is moot in view of the cancellation of those claims. Applicants are not conceding the correctness of the rejection for claims 21 and 23.

Claim 20 requires performing heat-and-humidity treatment on the heat-and-humidity gelling fiber in a heat and humidity atmosphere to cause a heat-and-humidity

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gelling resin fiber component to gel, so that a filler is affixed to a fiber surface by a binder resin.

Swoboda et al. fail to teach or suggest the performing heat-and-humidity treatment step in claim 20. In fact, Swoboda et al. merely discuss making a texture-coated and/or insulation coated container from a flat paper board blank in which a heat-hardenable liquid polymeric binder texturizing and/or insulating agent coating mixture is applied to one surface of the blank (see Swoboda et al., Abstract and paragraphs [0041], [0116] and [0195]). Swoboda et al. are completely silent as to performing heat-and-humidity treatment on the heat-and-humidity gelling fiber in a heat and humidity atmosphere to cause the heat-and-humidity gelling resin fiber component to gel, as required by claim 1.

For at least these reasons, claim 20 is patentable over Swoboda et al. Claim 22 depends from claim 20 and is patentable along with claim 20 and need not be separately distinguished at this time.

Claims 24 and 29, which include similar limitations concerning performing heat-and-humidity treatment/molding process on a binding resin including a heat-and-humidity gelling resin to cause the heat-and-humidity gelling resin to gel, and their respective dependent claims 25-28 and 30-31 are patentable over Swoboda et al. for the reason as discussed with regard to claims 20 and 22. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants note that the corrected form 1449 submitted on August 24, 2006 was not returned with the current Office Action. Confirmation of consideration for the reference cited in the corrected form 1449 is respectfully requested.

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In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, James A. Larson, Reg. No. 40,443, at (612) 455-3805.

Respectfully submitted,



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